

APPROVED: Meeting No. 32-92

ATTEST: 

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 30-92

August 3, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on August 3, 1992, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

ABSENT

Councilmember James F. Coyle

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. With respect to the W. Montgomery Avenue project, the City's portion of the project is virtually completed. The State's portion, from Falls Road to I-270, is progressing, and the State has confirmed that this project should be completed by December 1992.
2. There is a great deal of background associated with Text Amendment Application T-130-92, Item H on the Consent Agenda.

Meeting No. 30-92

August 3, 1992

Mayor Duncan commented that this item was going to be removed from the Consent Agenda and, therefore, this information could be provided during the discussion.

3. It is recommended that Agenda Item No. 9, request of Rockville Center, Inc. for a reduction in the garage rent, be taken off tonight's agenda. The staff work has not been completed and it could come back on the agenda at the September 14 meeting.

4. Recently, the City Manager, along with other senior staff members, met with the Rockville Library staff and Director of the Department of Facilities and Services. A report on this meeting was issued today. (*Video was shown of the library during the renovations.*) The library was built in 1970, and there have been no major renovations since that time. The enhancements include new carpeting, shelving and HVAC work which should make the facility more functional.

Councilmember Robbins was advised that the video was shot last week and, even though a great deal of work has been done, the County is still projecting completion in October.

Re: Proclamation declaring
August 4, 1992 as
NATIONAL NIGHT OUT
in Rockville

Proclamation No. 19-92

By a unanimous vote of the Mayor and Council, August 4, 1992 was declared **NATIONAL NIGHT OUT** in Rockville. Councilmember Krasnow read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. August 4, 1992 is the "9th Annual National Night Out" and Neighborhood Watch Groups in Rockville will join forces with thousands of other communities across the country in promoting cooperative police-community crime and drug prevention efforts. Max Bliss of the Twinbrook area and Garry Elliott from the West End accepted the Proclamation on behalf of the Neighborhood Watch Steering Committees in Rockville.

Meeting No. 30-92

3

August 3, 1992

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

There being no citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Winston Lark was appointed to a three-year term on the Senior Citizens Commission.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded, with Mayor Duncan and Councilmember Robbins abstaining as they were not present at the meeting, the minutes of Meeting No. 29-92 (July 27, 1992) were approved, as written.

Re: Consent Agenda

Councilmember Marrinan requested the removal of Item B from the Consent Agenda and Mayor Duncan requested the removal of Item H. Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Award of Bid No. 10-93, Phase II, Roof Replacement at Rockville Senior Center, west section, to Virginia Roofing Corporation for the low bid amount of \$59,284.

Funding in the amount of \$91,000 has been budgeted for this project.
- C. Award of Bid No. 3-93 for Annual Concrete Maintenance Program and related construction to Nazario

Meeting No. 30-92

4

August 3, 1992

Construction, Beltsville, Maryland, for the low bid amount of \$459,000.

This program also includes driveway aprons, water and sewer street repairs, roadway spot improvements and Wootton Parkway Bridge repairs (at Rockshire).

- D. Approval of modification to City Hall Elevator Repairs Contract, Bid No. 103-92, to Barbee-Curran Elevator Co., Inc. in the amount of \$44,348.60.

Subsequent to the original bid award, it was determined that additional project requirements are necessary in order to successfully complete this project. Sufficient monies are available for this contract modification.

- E. Approval of the purchase of a hydraulic shoring system design, equipment and training from A & H Engineering, Speed Shore Corporation and Firstline Safety Management Company in the amount of \$42,720.40.

In order to comply with OSHA excavation standards, the Utilities Division excavation crews require training and equipment to support the trench walls to a depth of at least 20 feet when making repairs to the water and sewer lines. There are sufficient monies budgeted for this award.

- F. Award Request for Proposal No. 110-92 for banking services to Crestar Bank.

Meeting No. 30-92

5

August 3, 1992

The initial contract period will be three years with an option to extend for up to two (2) additional years.

- G. Award of Request for Proposal No. 117-92 for consulting services for the Rockville-Shady Grove Area Transit/Land Use Study to a team consisting of Parsons, Brinckerhoff, Quade & Douglas, Inc., Rhodeside & Harwell, Incorporated and Richard H. Pratt Consultant, Inc. in the amount of \$138,733.

This project calls for consulting services to complete a project funded by Federal Transit Administration to evaluate long-term development and transportation options in the Shady Grove area. Funding in the amount of \$215,000 is available for this project.

Re: Award of Bid No. 7-93 for renovation and stream restoration of Horizon Hills Stormwater Management Facilities and slope stabilization at the Montgomery County Detention Center and Wootton Parkway Infiltration Trench IT-3 to Ryon, Inc. for the low bid amount of \$221,873.

This work entails the removal of sediment and repair of eroding stream banks and slope stabilization. The scheduled completion date is December 1, 1992. Sufficient funds are available for this work.

Meeting No. 30-92

6

August 3, 1992

Councilmember Marrinan had requested the removal of this item (B) from the Consent Agenda in order to inquire as to the notification to be given to the area residents regarding the proposed work to ensure their understanding of what is being done and the time frame for such work. The City Manager advised that two mailings have gone out to approximately 50 homes especially interested in the project. A Neighborhood Advisory sheet will be prepared to discuss what work will be done, the time frame for such work and other pertinent information. These notices will be delivered to the homes.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Bid No. 7-93, renovation and stream restoration of Horizon Hills Stormwater Management Facilities and slope stabilization at the Montgomery County Detention Center and Wootton Parkway Infiltration Trench IT-3, was awarded to Ryon, Inc. for the low bid amount of \$221,873.

Re: Acceptance of Text Amendment Application T-130-92, Rockville Planning Commission, Applicant.

This application requests a m e n d m e n t to the definitions section of the Zoning Ordinance so as to amend the definition of "sign" and "portable sign" to prohibit costumes and other articles of clothing as a means of advertising and to clarify other types of displays as being signs.

The City Manager explained that this text amendment is an attempt to deal with the issue of costume figures. Staff has met with the business owners involved who indicated that because the Sign Ordinance is so restrictive that they cannot effectively use banners, they have reverted to using

Meeting No. 30-92

7

August 3, 1992

costume figures as a means of advertising. Concurrently with the move away from costume figures, changes to the law regarding banner use have been proposed. However, at the Planning Commission level, a decision was made to move forward the costume portion of the issue, which is before the Mayor and Council tonight, without its accompanying banner use changes.

Councilmember Robbins was advised that no analysis has been done with respect to the safety factor in the use of costume figures. Comments from a variety of citizens and community members expressed concern for the safety of individuals in the right-of-way. The proliferation of negative comments prompted the Planning Commission's application for this text amendment.

Councilmember Krasnow commented that she feels there are too many costume figures. In view of the fact that many businesses do not have frontage on Rockville Pike, she would support a modification to the text amendment allowing banners to be used infrequently.

Councilmember Marrinan indicated that he has received the largest number of comments about costume figures on Rockville Pike. The complaints focus on the safety factor inasmuch as the use of costume figures is distracting. He would support this text amendment, but also recognizes the need for businesses to advertise, at least on a temporary basis or on a special occasion. Therefore, he also supports the banner initiative as a means to help businesses advertise.

Mayor Duncan does not have a problem with the use of costume figures except for the individuals walking in the middle of Rockville Pike. He does not wish to turn back an action of the Mayor and Council a few years ago which clarified the law to allow these costume figures. It does help some businesses and he does not feel that now is the time to eliminate this. He would like to keep the costume option and also make the banner provisions less restrictive so that businesses have an alternative to the costume figures. If the change in the banner provisions proves to be effective, then the ordinance can be amended to eliminate the use of costume figures.

Meeting No. 30-92

8

August 3, 1992

It was suggested by Mayor Duncan that the conditions for use of a grand opening banner remain the same and that a provision be added to allow special event banners for a week at a time, perhaps with a limit of six per year. He expressed uncertainty, however, that the banner change will fill the void of the costume figures.

The City Manager advised that more work can be done on the banner issue.

Councilmember Krasnow expressed concern with making the ordinance more restrictive. The businesses along the Pike need something to draw customers, and it appears that even balloons would not be permitted under the proposed text amendment.

Councilmember Marrinan indicated that it is increasingly clear that there is concern about advertising activity in the median strip and focus should be on this narrower problem. He agreed to looking at an alternative which would include a banner initiative.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation to deny Text Amendment Application T-130-92. Staff was further requested to continue to review alternatives which would provide for a combination of the use of costume figures and banners.

Re: Adoption of Resolution to
establish a permit parking
district

The standard permit parking
hours of 8:00 a.m. to 5:00
p.m., Monday through
Friday, would apply.

Resolution No. 11-92

Mayor Duncan noted that one letter had been received requesting inclusion in this permit parking district. Since the individual's property did not have any street frontage adjoining the

Meeting No. 30-92

9

August 3, 1992

proposed district, the City could not honor this request. Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Resolution No. 11-92, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to establish a permit parking district on Harrison Street with Forest Avenue as the west boundary and N. Van Buren Street as the east boundary, and incorporate it into the existing West End permit parking district.

Re: Approval of First Amendment to the Assumption of Mall Agreement and to authorize the Mayor to sign the amendment agreement.

This amendment pertains to an existing lease for City property in Rockville Metro Center currently being used for parking and retail operations and would reduce the annual rental payment to the City from \$438,803.08 to \$120,000 plus 25% of any net profits realized by Rockville Center, Inc. as a result of its use and operation of the property.

It was agreed that this agenda item would be deferred until the meeting of September

14.

Re: Adoption of Ordinance to adopt Text Amendment Application T-128-92, Joseph A. Lynott, attorney for Marlo Furniture Company, Applicant.

This application proposes to amend the Zoning Ordinance to remove a

Meeting No. 30-92

10

August 3, 1992

prohibition on filing a local
map amendment in the RPC
(Rockville Pike
Commercial) Zone.

Ordinance No. 12-92

Councilmember Krasnow commented that there is a lot of interest in this particular text amendment, and she wanted to emphasize that adoption of this ordinance would not authorize Marlo Furniture to move onto the carnival grounds site. This amendment to the Zoning Ordinance merely allows Marlo Furniture to seek rezoning of that particular site for their store.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 12-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to remove a prohibition in the Zoning Ordinance on filing a local map amendment in the RPC (Rockville Pike Commercial) Zone.

Re: Adoption of Ordinance to
grant Street Closing and
Abandonment Application
SCA-66-92, New Concept
Homes, Inc., Applicant.

This application requests
abandonment of an
unimproved alley right-of-
way located off N. Van
Buren Street, approximately
150 feet south of North
Street.

Ordinance No. 13-92

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Ordinance No. 13-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and

Meeting No. 30-92

11

August 3, 1992

Council, was adopted to grant Street Closing and Abandonment Application SCA-66-92, New Concept Homes, Inc., Applicant, to abandon an unimproved alley right-of-way located off N. Van Buren Street, approximately 150 feet south of North Street.

Re: Approval of response to National League of Cities' request for action on five federal priority issues: restoring community control over Cable TV; city aid; housing and community development; preventing new, unfunded mandates for stormwater, drinking water and Fair Labor Standards Act; and funding the new surface transportation program. The City's position on these priority issues will be transmitted to our congressional delegation for inclusion in their deliberations.

Mayor Duncan commented that he feels uncomfortable in the City supporting these issues without more detailed information on several of the matters. As an example, he cited the proposed response to the Clean Water Act amendment which consists of specific statements. The City Manager responded that the proposed responses were requested by the Council at the last meeting and that, in the past, the City has worked through the Maryland Municipal League, at the state level, on legislative issues.

Councilmember Robbins agreed that the City should not go on record in support of particular pieces of legislation without more information.

Meeting No. 30-92

12

August 3, 1992

It was noted by Councilmember Krasnow that the National League of Cities is not getting enough support from individual municipalities on federal lobbying efforts. She suggested that the City prioritize the issues that are familiar to Rockville and respond to those.

Councilmember Marrinan agreed that the City should respond in some manner. He suggested the City prepare a communication to federal officials and, without supporting a particular position, call attention to issues which should be given priority. He stressed the need to communicate something very soon.

Since there is no convenient opportunity for the Mayor and Council to collectively approve a revised communication, it was agreed that perhaps Councilmember Coyle would like to send a response on his own behalf as a Councilmember from the City. Mayor Duncan asked that further information be provided to the Mayor and Council on certain of these issues, including the Fair Labor Standards Act, stormwater runoff regulations, the Urban Aid Bill and radon in drinking water.

Re: FYI/Correspondence

Water Fitness Award

Councilmember Marrinan noted that the Rockville Swim Center placed tenth in the U.S. Water Fitness Association's top fifty programs in the United States.

Leadership Montgomery

Police Chief Terry Treschuk has been selected for the 92-93 class, and Councilmember Marrinan congratulated him on this achievement, recognizing the quality of the staff in the City.

K.A.T. Program

Mayor Duncan was advised that staff would provide a report on the current status of the K.A.T. Program.

Meeting No. 30-92

13

August 3, 1992

Re: New Business

Residents of Don Mills Court were pleased with the information provided regarding the underground infiltration basin. Councilmember Krasnow reported that the information was very complete and residents were offered the opportunity to walk the site.

Re: Next Meeting

The next meeting will be a worksession with the Stormwater Management Task Force on September 10. The Mayor and Council will be in recess for the remainder of the month of August.

Re: Adjournment

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the meeting was adjourned at 8:15 p.m., to convene again in Worksession on September 10, 1992, or at the call of the Mayor.